IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CWP No.11864 of 2004
Date of decision: 9.7.2007

Khalsa College for Women Sidhwan Khurd District Ludhiana

...Petitioner

vs.

Inderpal Singh and another

. ...Respondents

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE AJAI LAMBA

Present: Mr.SK Sandhir, Advocate, for the petitioner.

Mr. Sharwan Sehgal, advocate for Respondent No.1.

**JUDGMENT:**

This petition seeks quashing of award of the Labour Court directing reinstatement of Respondent No.1 with full back wages but giving liberty to the petitioner to hold a fresh enquiry.

It has been stated in the petition that Respondent No.1 joined the petitioner-College in the month of August 1976. He was entrusted with the duties of a conductor and a Helper with the buses transporting students. In April 1982, he was appointed as a driver, after checking the driving licence issued by the licensing authority, Hyderabad. On 17.8.1996, licence of the petitioner was

taken for verification and letter was written to DTO, Hyderabad. The Joint Transport Commissioner/RTO, Hyderabad informed vide letter dated 7.11.1996 that the record of driving licence of respondent No.1 did not exist. The petitioner issued a show cause notice to Respondent No.1 and then terminated his services on 26.12.1996. Respondent No.1 raised an industrial dispute, which led to passing of the impugned award. The Labour Court held that no enquiry having been held and the petitioner having already rendered long service, termination of his services was not proper. He was, thus, entitled to reinstatement with continuity of service and full back wages. The Management was given liberty to conduct regular enquiry, if so advised.

We have heard learned counsel for the parties and perused the record.

Contention raised on behalf of the petitioner is that driving licence of Respondent No.1 being fake, no enquiry was necessary. It was also submitted that back wages ought not to have been awarded.

We are unable to accept the submissions made on behalf of the petitioner.

The respondent had been serving as Driver from 1982 to 1996 i.e., for 14 years. To verify his driving licence after 14 years and to assume the same to be fake merely on account of a

letter written by the authority that the licence did not exist in the record of that office, was clearly in violation of principles of natural justice. The same cannot be a substitute for a valid enquiry for taking disciplinary action against the workman who had rendered service for more than 14 years

In view of above, we are of the view that reinstatement of the workman was justified and the same does not call for any interference by this Court.

As regards back wages, we are informed that the management has been complying with the provisions of Section 17-B of the Industrial Disputes Act, 1947. Back wages are not to be awarded mechanically. There is nothing to show that the workman has been unemployed. He is a technical person knowing driving.

Having regard to all the circumstances of the case, we are of the view that award of back wages is not justified.

Accordingly, the writ petition is partly allowed and award of back wages is set aside. Award for reinstatement and continuity of service is upheld. The management will be at liberty to hold a fresh enquiry, if so advised.

(Adarsh Kumar Goel)
Judge

July 9, 2007
'gs'

(Ajai Lamba)
Judge